

Resolution No:	15-1240
Introduced:	November 22, 2005
Adopted:	December 6, 2005

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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**By County Council**

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**SUBJECT:** Optional Procedure for Condemnation of Land, Advance Taking  
CIP Project No. 500508 Park Lane Improvements

In accordance with Article III, Section 40A, Maryland Constitution and Section 49-50,  
2004 Montgomery County Code, as amended.

**Background**

- I. The Council has been requested to authorize the condemnation of the portion of land necessary to make improvements of Park Lane in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.
  1. Park Lane is located in the Bethesda/Chevy Chase planning area within the seventh election district of Montgomery County. The project starts at the intersection of Park Lane and Maple Ridge Road and proceeds south 840 feet to the intersection with Battery Lane. From Battery Lane the project proceeds through the interior of the block to connect to the existing closed storm drain system in Glenbrook Road. Standing water has over time caused the deterioration of the existing pavement, curbs and sidewalks. The project replaces the deteriorated road surface and curbs within the limits of construction and enables future maintenance to replace other damaged facilities as necessary. Park Lane does not have a drainage system at all. During heavy rains the entire street is inundated with storm runoff. The existing drainage inlets on Battery Lane do not function due to lack of an outfall. Consequently, all the storm water that reaches Battery Lane ponds on the roadway, curbs and sidewalks. The project will provide the appropriate storm water collection and conveyance system that will relieve the chronic flooding problem. The project will also correct the safety problem caused by extensive ice formation in the winter on the road and sidewalk.
  2. Acquisition needs to take place prior to December 31, 2005 in order to start construction of the project in January 2006.
  3. The County has been unable to negotiate an Option Contract with the property owners listed below:

**RIGHT OF WAY IN SQUARE FEET**

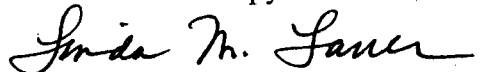
<u>ACCOUNT</u> <u>No.</u>	<u>LIBER</u> <u>FOLIO</u>	<u>PROPERTY</u> <u>OWNERS</u>	<u>PERPETUAL</u> <u>EASEMENT</u>
7-439725	17553/592	John P. Kollar, Jr. Candy W. Kollar	1,180 sf
7-440165	18492/733	Alan E. Dieringer Margaret K. Dieringer	1,450 sf
7-440154		Harry Lazear and Mariangela Lazear	1,163 sf
7-441158	26059/186	Hermenegildo Diaz Campo	511 sf

4. There is an immediate need to acquire a portion of the properties for rights-of-way for the construction of the improvements for Park Lane.

**Action**

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portion of land needed for the construction of Park Lane improvements in accordance with Section 49-50, 2004 Montgomery County Code, as amended effective upon the following conditions:
1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
  2. David N. Lamb, MAI, Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the property.
- II. Montgomery County may take immediate possession of the property described above, upon payment into Court of the fair market value of the property as determined by the County's appraiser. The County reserves the right to abandon this proceeding at any time prior to such payment into Court.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the properties.

This is a correct copy of Council action:



Linda M. Lauer, Clerk of the Council